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The rule of law at the national and international levels

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Seventy-first year

Letter dated 28 April 2016 from the Permanent Representative of the Islamic Republic of Iran to the United Nations addressed to the Secretary-General

I have the honour to enclose a letter from the Minister for Foreign Affairs of the Islamic Republic of Iran, M. Javad Zarif, addressed to you, regarding the violation of the principle of sovereign immunity of States by the United States of America (see annex).

I should be grateful if you would have the present letter and its annex circulated as a document of the General Assembly, under agenda item 85, and of the Security Council.

(*Signed*) Gholamali **Khoshroo**
Ambassador
Permanent Representative

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Annex to the letter dated 28 April 2016 from the Permanent Representative of the Islamic Republic of Iran to the United Nations addressed to the Secretary-General

In the past few years, the United States has persistently engaged in a dangerous practice of defying international law and order by allowing, in fact instigating, private litigants to bring civil action before United States domestic courts against sovereign States, including the Islamic Republic of Iran. Trials have been organized in absentia; self-serving judgments have been obtained in default; and claims have been laid on the assets of the Iranian people. Knowing full well that no self-respecting nation, certainly not Iran, would ever subject itself to the jurisdiction of another State's domestic courts, they have amassed billions of dollars in unlawful and factually flawed default judgments against the Islamic Republic of Iran and its organs.

The United States executive branch illegally freezes Iranian national assets; the United States legislative branch legislates to pave the ground for the illicit seizures; and the United States judicial branch issues rulings to confiscate Iranian assets without any base in law or fact. The veracity and credibility of the United States justice system — when it comes to its treatment of Iran — can be measured by the recent ruling of a New York District Court that ordered Iran to pay more than $10.5 billion in damages to the families of the victims of the 11 September 2001 terrorist attacks, claiming against all evidence and common sense that Iran "provided active support to the attackers". Such an absurd allegation — not by a politician but regrettably by a so-called court of law — contradicts seven public statements, as well as findings — open or sealed — of investigations by the United States Government and United States Congress. Ironically, the same court absolved the real culprits of any responsibility and ruled against Iran, which was the victim of the same terrorist group and has consistently been in the forefront of international efforts against it and its takfiri extremist siblings.

In sum, in blatant contravention of the most fundamental principles of international law, not to mention facts, the United States has devised a pseudo-legal scheme that subjects Iranian assets held in United States and foreign banks, and even Iranian cultural property held on loan by American museums, to spurious rulings and unlawful collection proceedings.

The principle of State immunity is one of the cornerstones of the international legal order and a rule of customary international law, most recently codified in the United Nations Convention on Jurisdictional Immunities of States and Their Property. Its primacy has also been recognized by the community of nations, all legal systems and the International Court of Justice. With the sole possible permissible exception of "commercial activity", claims against a sovereign State must be pursued either in accordance with mechanisms provided for in bilateral or multilateral agreements or through international courts or tribunals, as appropriate.

It is a matter of grave concern that the United States Congress, along with other branches of the United States Government, seem to believe that they can easily defy and breach the fundamental principle of State immunity by unilaterally waiving the immunity of States and even central banks in total contravention of the international obligations of the United States and under a groundless legal doctrine that the international community does not recognize.

In view of the detrimental effect of such practices on the integrity of the international public order, I wish to alert you, and through you the United Nations general membership, about the catastrophic implications of the blatant disrespect of the United States for State immunity, which will cause the systematic erosion of this fundamental principle.

The Islamic Republic of Iran rejects the unlawful decisions by United States courts in this respect, including the ruling that authorized the confiscation of nearly $1.8 billion of assets belonging to the Central Bank of Iran to the benefit of private litigants. The entire court proceedings that led to the recent ruling have been fake and phony and a travesty of justice in every sense of law, jurisdiction, merit, fact and process. This clearly constitutes an internationally wrongful act and entails international responsibility for the Government of the United States, for which it will be held accountable. The Islamic Republic of Iran holds the United States Government responsible for this outrageous robbery, disguised under a court order, and is determined to take every lawful measure to restore the stolen property and the interest accrued to it from the date on which it was blocked by the United States.

It is in fact the United States that must pay long-overdue reparations to the Iranian people for its persistent hostile policies. Such wrongful United States policies and actions against the Iranian people, entailing international responsibility, are self-admitted and based on solid historical evidence and not absurd fabrications. They include overthrowing the democratically elected Government of Iran in 1953, actively supporting and sponsoring the ensuing brutal dictatorship and aiding and abetting in its crimes — including torture by the United States-created and United States-trained SAVAK — against the Iranian people from 1953 to 1979, actively providing intelligence, support and comfort to Saddam Hussein in his war of aggression against Iran from 1980 to 1988, including provision of airborne warning and control system reconnaissance to aid Saddam's use of chemical weapons against Iranian soldiers and civilians — which amounts to a war crime, deliberately shooting down an Iranian civil airliner in 1988, killing all 290 passengers, and plundering Iranian assets held abroad. The Islamic Republic of Iran reserves the right to take appropriate lawful action, including necessary and proportionate countermeasures, to restore and protect the rights of the Iranian people against such persistent unlawful conduct by the United States.

There has seldom been so much at stake for the rule of law, the proper functioning and integrity of the international legal and financial systems and the prevalence of dialogue and accommodation over coercion and confrontation. In view of the detrimental effects of the continued unlawful conduct by the United States, I wish to call upon you to lend your good offices in order to induce the United States Government to adhere to its international obligations, put an end to the violation of the fundamental principle of State immunity, release all frozen Iranian assets in United States banks and cease and desist forthwith from any interference with Iranian commercial and financial transactions outside the United States, in compliance with its general international obligations and its obligations under the Joint Comprehensive Plan of Action.

(*Signed*) M. Javad **Zarif**